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HOUSE BILL 361

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO HUMAN RIGHTS; CLARIFYING THE PROCESS FOR RESOLUTION
OF COMPLAINTS REGARDING AN ADULT GUARDIANSHIP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-16B-6 NMSA 1978 (being Laws 2003,
Chapter 280, Section 6) is amended to read:

"28-16B-6. RESOLUTION OF COMPLAINTS.--

A. The office of guardianship shall establish by
rule for the filing, investigation and resolution of complaints
about guardianship services provided by contractors.

B. The office of guardianship shall acknowledge
receipt of the complaint, notify all parties involved and
initiate an investigation within fifteen working days of the
filing of the complaint.

C. A determination shall be made and a decision

underscored material = new
[bracketed material] = delete

1 rendered on the complaint within sixty working days unless
2 mutually agreed upon by all parties or unless a shorter time is
3 required to protect the ward.

4 D. The office of guardianship may refer complaints
5 to other agencies for investigation or prosecution, as
6 appropriate.

7 E. Complaints against the office of guardianship or
8 a staff member of the office shall be investigated by the human
9 services department.

10 F. The human services department shall adopt
11 procedures for conducting such investigations, may refer such
12 complaints to other agencies for investigation or further
13 prosecution, as appropriate, and a report of the results of an
14 investigation shall be submitted to the developmental
15 disabilities planning council and the governor. The office of
16 guardianship and its staff members shall cooperate fully in an
17 investigation."